

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
v.) Criminal No. 03-10367-MEL
)
JAMES T. RICHARDS,)

**GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION
THAT JUDGE LASKER RECUSE HIMSELF**

The United States of America, through its undersigned counsel, respectfully requests that Defendant's Motion That Judge Lasker Recuse Himself be denied. In support of this request, the United States sets forth the following:

- 1) On July 7, 2004, the defendant moved to recuse Judge Lasker (Docket Entry No. 64).
- 2) On July 12, 2004, this Court denied the defendant's motion (Docket Entry No. 65).
- 3) On July 25, 2005, the defendant filed the present motion to recuse Judge Lasker. This pro se motion, although confusing and difficult to follow, presents roughly the same bases for recusal as the defendant's prior motion.
- 4) Having provided no reason for this Court to reconsider it's prior ruling on the defendant's recusal motion, the motion should be denied.
- 5) Notwithstanding the foregoing, as the defendant admits in his pro se pleading, Judge Lasker was the subject of a death threat by the defendant (see Defendant's Motion at page 1, numbered paragraph "(2)"). Based on that underlying incident and others, the United States anticipates seeking a superseding

indictment in this matter which would include, among other charges, one count of mailing a communication containing a threat against Judge Lasker and others.¹ The United States makes this disclosure so that the Court - to the extent it deems this information to be relevant at this time - can consider this information in ruling upon the defendant's instant motion. However, to be clear, the United States does not believe the defendant has stated any grounds which would require Judge Lasker's recusal at this juncture.

Accordingly, based upon the foregoing reasons, the United States requests that Defendant's Motion That Judge Lasker Recuse Himself be denied.

Respectfully submitted,

BARRY SABIN
Acting United States Attorney

By:


GEORGE Z. TOSCAS
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August 11, 2005

¹ The United States previously advised the defendant, through prior defense counsel and present stand-by counsel, of the likelihood of additional charges being lodged in this matter.

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the persons listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

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~~George Z. Toscas~~
TRIAL ATTORNEY

August 11, 2005